



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/835,851

04/17/2001

Hidetoshi Aoki

043118-0102

4178

22428

7590

09/09/2005

FOLEY AND LARDNER

SUITE 500

3000 K STREET NW

WASHINGTON, DC 20007

EXAMINER

GIBBS, HEATHER D

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/835,851	Applicant(s) AOKI, HIDETOSHI	
	Examiner Heather D. Gibbs	Art Unit 2622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed on 05/26/2005 has been entered and made of record.

### ***Response to Arguments***

2. Applicant's arguments filed have been fully considered but they are not persuasive. Applicant argues "Yamakawa fails to suggest setting an image reading carriage at a prescribed position based on a reference position" Upon further review, the Examiner respectfully disagrees and find that Yamakawa discloses in Col 13 Lines 15-22, When the reference position is determined, the correction-factor determining portion 208 determines color component values (for each of the R image data and the G image data) at a plurality of imaginary points whose locations are predetermined with respect to the reference position, based on the R image data of the sampling points and the G image data of the sampling points by using interpolation. Also, the R, G and B image sensors in the present embodiment of the image reading apparatus read out this reference pattern. The read image data of the reference pattern is used to detect a deviation of the of color component values due to the variation of the sub-scanning speed of the R, G and B image sensors. See Col 15 Lines 52-57. Lastly, the carriage is arranged on the image sensor Col 30 Lines 50-67.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamakawa et al (US 5,892,595).

Regarding claim 1, Yamakawa teaches An image reading apparatus comprising: an image reading carriage, a reference position pattern element provided on a prescribed location in such a manner that it is able to be read by said image reading carriage which is caused to run; and a control section for detecting a reference position based on the reference position pattern element thus read and setting said image reading carriage at a prescribed position based on the reference position thus detected (Col 25 Lines 54-62; Col 26 Lines 22-34; Fig 23).

Considering claim 2, Yamakawa discloses teaches An image reading apparatus comprising: an image reading carriage, a reference position pattern element provided on a prescribed location in such a manner that it is able to be read by said image reading carriage which is caused to run; and a control section for detecting a reference position based on the reference position pattern element thus read and setting said image reading carriage at a prescribed position based on the reference position thus detected; and a shading plate having a shading pattern formed thereon for performing shading correction, said reference position pattern element being formed on said

shading plate at a portion thereof unprovided with said shading pattern (Col 25 Lines 54-62; Col 26 Lines 22-34; Fig 23; Col 27 Lines 20-27; Fig 26).

Regarding claim 3, Yamakawa discloses The image reading apparatus as set forth in claim 1, wherein said reference position pattern element comprises a straight line having an inclination of a prescribed angle with respect to a main scanning direction of said image reading carriage (Fig 23A).

Regarding claim 4, Yamakawa teaches The image reading apparatus as set forth in claim 3, wherein said reference position pattern element comprises at least two reference position patterns with a prescribed distance provided there between in an auxiliary scanning direction of said image reading carriage, said at least two reference position patterns being inclined with respect to said main scanning direction in an opposite relation to each other, and said control section reads said two reference position patterns by means of said image reading carriage, and detects, as the reference position, the position at which the distance between said two reference position patterns in said main scanning direction becomes a prescribed value (Col 28 Lines 25-61; Figs 27-28).

Considering claim 5, Yamakawa discloses An image reading apparatus comprising: an image reading carriage, a reference position pattern element provided on a prescribed location in such a manner that it is able to be read by said image reading carriage which is caused to run; and a control section for detecting a reference position based on the reference position pattern element thus read and setting said image reading carriage at a prescribed position based on the reference position thus

Art Unit: 2622

detected wherein said control section reads said reference position pattern element by first moving said image reading carriage a predetermined distance forwardly in an auxiliary scanning direction and then moving it rearwardly (Col 25 Lines 54-62; Col 26 Lines 22-34; Fig 23; Col 26 Lines 13-21).

Referring to claim 6, Yamakawa teaches The image reading apparatus as set forth in claim 5, wherein said predetermined distance is greater than a distance within which said image reading carriage is able to move before reaching an auxiliary scanning range, and less than a distance within which said image reading carriage is able to move after passing said auxiliary scanning range (Col 28 Lines 47-61).

Regarding claim 7, Yamakawa teaches The image reading apparatus as set forth in claim 2, wherein said control section detects the reference position by reading said reference position pattern element by means of said image reading carriage, makes said image reading carriage move a prescribed distance from said reference position to said image reading start position, thereafter further moves said image reading carriage to a shading correction pattern side to perform shading correction, and then moves said image reading carriage to said image reading start position again to make it stand by there until an image reading instruction is given (Fig 30; Col 29 Line 37-Col 30 Line 8).

For claim 8, Yamakawa teaches wherein said reference position pattern element comprised at least two reference position patterns arranged beyond opposing sides of the shading pattern (Fig 6c; Fig 9).

For claim 9, Yamakawa discloses wherein said reference position pattern element comprises at least two reference position patterns arranged beyond a same side of the shading pattern (Fig 6c; Fig 9).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

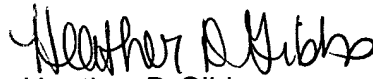
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-7PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Heather D Gibbs  
Examiner  
Art Unit 2622

hdg

  
EDWARD COLES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600